

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

David T. Cooper : CIVIL ACTION
PLAINTIFF NO. 08-346

:
V.

Reginald A. Roberts, et al :

Motion For Appointment of Counsel

AND NOW COMES, THE PLAINTIFF, WHO RESPECTFULLY REQUEST THE HONORABLE COURT TO APPOINT COUNSEL PURSUANT 28 U.S.C. 1915(E)(1).

IN SUPPORT OF THIS MOTION PLAINTIFF SUBMIT, THAT HE IS INDIGENT, AND WITHOUT FUNDS TO PAY THE COST OF LITIGATING THIS ACTION ON HIS OWN.

PLAINTIFF IS NOT VERSED IN LAW AND IS A LAYMAN AT LAW. PLAINTIFF HAS SEEK THE ASSISTANCE OF TWO INMATES FROM DAY ONE. HAD IT NOT BEEN FOR THE ASSISTANCE OF THESE TWO INMATES PLAINTIFF WOULD NOT HAVE PROGRESS THIS FAR WITH SUIT WITH THAT BEING SAID PLAINTIFF PRAYS THAT THE COURTS WILL TAKE THIS INTO CONSIDERATION WITH A MATTER OF SUCH IMPORTANTS,

PLAINTIFF DO NOT HAVE THE EDUCATION OR SKILL OR ABILITY IN LAW TO EFFCTIVELY PRESENT HIS CASE BECAUSE THE ISSUES ARE HIGHLY COMPLEX. PLAINTIFF IS STILL SEEKING IMPORTANT INTERROGATORY QUESTION THAT PLAINTIFF HAS TRIED TO GET DEFENDENTS TO ANSWER, WHICH ARE A NEED FOR TRAIL.

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PLAINTIFF WILL NEED PROFESSIONAL ASSISTANCE IN DETERMINING
THE EXTENT OF HIS INJURIES. PLAINTIFF SIMPLY IS NOT EDUCATED
NOR SKILLED TO TAKE ON THESE KIND OF LEGAL AND PROFESSIONAL
TASKS.

RELIEF REQUESTED

IN THE VIEW OF ALL THE ABOVE, PLAINTIFF RESPECTFULLY REQUEST
AND PRAY THAT COURT WILL EXERCISE ITS DISCRETION TO APPOINT
HIM COUNSEL.

DATE: 10.1.09

RESPECTFULLY SUBMITTED

David T. Cooper
DAVID T. COOPER
PLAINTIFF

MEMORANDUM OF LAW IN SUPPORT OF THE PLAINTIF'S REQUEST FOR THE COURT TO EXERCISE DISCRETION TO APPOINT COUNSEL.

RULE OR STATUS AT 28 U.S.C. 1915 (E) (1) PROVIDES :

" THE COURT MAY REQUEST AN ATTORNEY TO REPRESENT ANY PERSON UNABLE TO AFFORD COUNSEL".

THE LAW OF THE CIRCUIT COURT REQUEST THAT THE COURT "EXERCISE ITS DISCRETION". SEE TABROW V. GRACE, 6, F, 3D, 147 (3RD. CIR. 1993,; PAHAM V. JOHNSON 126 F. 3D 457 (3D CIR. 1997).

THE TABRON COURT DELINEATED VARIOUS FACTOR TO AID DISTRICT COURT IN DETERMINING WHEN IT IS PROPER TO APPOINT COUNSEL FOR AN INDIGENT LITIGANT IN A CIVIL CASE. AS A PRELIMINARY MATTER, THE PLAINTIFF CLAIM MUST HAVE SOME MERIT IN FACT AND LAW. ID PARITAM. SUPRA. AT 457.

PLAINTIFF SUBMITS THAT HIS CLAIM IS MOST CERTAINLY A MERITORIOUS CLAIM IN BOTH LAW AND IN FACT. SOME OF THE OTHER FACTORS LISTED IN THE PARITAM CASE AT 457-461, ARE SET FORTH ABOVE BY THE PLAINTIFF.

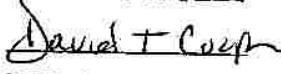
FINALLY, PLAINTIFF WOULD POINT OUT THAT WITH THIS CASE IN THE PRESENT POSTURE AS IT IS, PLAINTIFF IS NOT CERTAIN WHAT NEED TO BE DONE. THEREFORE, PLAINTIFF HAS BEEN ADVISED THAT THE BEST ACTION FOR HIM TO TAKE AT THIS POINT IN TIME IS TO REQUEST THAT COUNSEL BE APPOINTED TO BE SURE THAT THE APPROPRIATE ACTION ARE TAKEN.

THEREFORE, IN VIEW OF ALL THE ABOVE LAW AND FACTS AND CURRENT POSTURE OF THIS CASE, PLAINTIFF IS LEFT WITH THE ONLY CHOICE HE HAS TO REQUEST THAT COUNSEL BE APPOINTED.

THEREFORE, PLAINTIFF RESPECTFULLY REQUEST THAT THIS COURT WILL GRANT HIM ABOVE RELIEF REQUESTED IN ALL RESPECTS.

DATE: 10.1.09

RESPECTFULLY


DAVID T. COOPER

PROOF OF SERVICE

I do hereby verify that a true and correct copy has been served upon the party listed below said service was made by First class U.S mail.

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Respectfully Submitted,

David T. Cooper, Plaintiff